

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
BEFORE THE RHODE ISLAND STATE LABOR RELATIONS BOARD

---

IN THE MATTER OF

RHODE ISLAND AIRPORT  
CORPORATION

CASE NOS.: EE-1778 & EE-2060  
Unit Clarification: Airport Noise  
Program Manager

AND

RI COUNCIL 94, ASFCME, AFL-CIO

---

**ORDER OF DISMISSAL**

**Investigative Agent:** Thomas M. Hanley

**Petitioner:** RI Council 94, AFSCME, AFL-CIO

**Relief Sought:**

- 1) Accretion of the position of Airport Noise Program Manager into one of two bargaining units, to wit, those established by EE-1778 and EE-2060.

**Date(s) of Informal Hearing:** March 8, 1999

**Date(s) of Field Investigation and Names and Titles of Interviewees:**

January 31, 2001: Ms. Diane Gallo, Airport Noise Program Manager.

February 9, 2001: Mr. Wayne Schuster, Director of Planning & Dev., RIAC

**RELEVANT HISTORY OF THE BARGAINING UNITS**

**EE-1778:** On July 24, 1968, the Rhode Island State Employees Association, now known as RI Council 94, AFSCME, AFL-CIO, was certified to represent: "employees within the Division of Aeronautics excluding Professional employees and supervisors, according to the attached list."

**EE-2060:** On February 22, 1973, the Rhode Island State Employees Association, Council 22, AFSCME, AFL-CIO, now known as RI Council 94, AFSCME, AFL-CIO, was certified to represent: "all supervisory employees in the Division of Airports, Department of Transportation, excluding the Assistant Director of Transportation (Airports), Coordinator & Liaison Assistant (Division of Airports), and Chief Clerk."

**Administrative Procedure:**

On February 22, 2001, after the field investigation, the Board's Agent prepared a four (4) page written memorandum, outlining his discussions and findings regarding the petition. Both the Union and the Employer were provided with a copy of the written report and both had a thirty (30) day period in which to submit additional written responses. On March 27, 2001, the Employer submitted a written response arguing that the facts, as set forth in the Investigative Report, compel the conclusion that the position of Airport Noise Program Manger and the positions included in the certified bargaining units do not share "substantial mutual interests in wages, hours, and other conditions of employment" and that the position should not be accreted to either bargaining unit. In reaching the decision herein, the Board considered the contents of the investigator's report and exhibits, the bargaining history of this unit, and the Employer's written response.

**DISCUSSION**

In determining whether accretion of employees to existing bargaining units is proper, the Rhode Island State Labor Relations Board (RISLRB) considers many of the same factors that

determine community of interest questions for purpose of bargaining unit determination; namely, such factors as integration of operations, centralization of managerial and administrative control, geographic proximity, similarity of working conditions and skills, common control over labor relations, collective bargaining history, and interchangeability of employees. Rhode Island Public Telecommunications Authority v Rhode Island State Labor Relations Board, 650 A2d 479. (R. 1994) Therefore, this Board normally reviews the investigator's report to determine if there has even been a showing of a "community of interest" between the position proposed for accretion and the other positions already within the bargaining unit. **Only then does the Board** move on to whether or not a position is excludable due to other factors, i.e., status as managerial, **supervisory, or confidential.**

In this case however, one of the bargaining units is for supervisory personnel only, and the other specifically excludes professional employees. **Therefore, the Board will review this** position in reverse of its normal order, because unless it is supervisory, then it cannot be included in EE-2060; and if it is professional, it cannot be included within EE-1778. **Ms. Gullo, the** incumbent Airport Noise Program Manager, does not have any responsibilities that would render **her position supervisory.** She does not hire, fire, or discipline RIAC employees. **The only** indicia of supervisory status pertains to employees who are not employed by this Employer; therefore, this position does not qualify for inclusion within the bargaining unit certified by EE-2060.

The rank and file bargaining unit certified in Case No. EE-1778 specifically excludes **professional employees.** In this case, the position in question requires a college degree in aviation planning, or related field, and two years of experience in noise issues. **The position also** requires understanding of noise metrics, aircraft engine technologies, and recent trends in aviation noise abatement. The duties of the position are largely professional in nature, and thus, the position must be excluded from the rank and file unit created by EE-1778.

### **FINDINGS OF FACT**

- 1) The Board's Agent conducted an appropriate field investigation and held an informal **hearing, which was attended by both parties.**
- 2) The position of Airport Noise Program Manager requires a degree in aviation planning, or **related field, and two years of experience in noise issues. The position also requires**

understanding of noise metrics, aircraft engine technologies, and recent trends in aviation noise abatement

- 3) The position of Airport Noise Program Manager does not supervise RIAC employees.

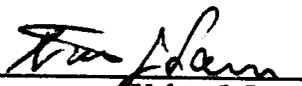
#### **CONCLUSIONS OF LAW**

- 1) The position of Airport Noise Program Manager is not supervisory and is professional.
- 2) The Petitioner has not established, by a fair preponderance of the evidence set forth at the informal hearing or through the field investigation, that the position of "Airport Noise Program Manager" is eligible for inclusion within either of the existing bargaining units.

#### **ORDER**

- 1) Pursuant to R.I.G.L. 28-7-9 (d), the petition for the accretion of the position of "Airport Noise Program Manager" is hereby denied and dismissed.

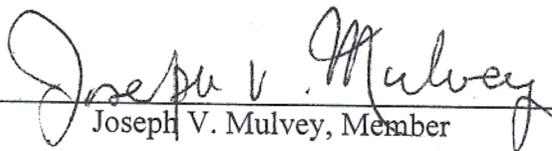
RHODE ISLAND STATE LABOR RELATIONS BOARD



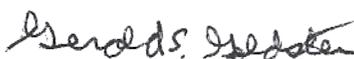
Walter J. Lanni, Chairman



Frank J. Montanaro, Member



Joseph V. Mulvey, Member



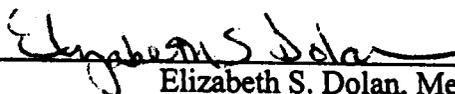
Gerald S. Goldstein, Member



Ellen L. Jordan, Member



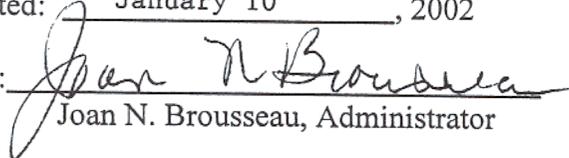
John R. Capobianco, Member



Elizabeth S. Dolan, Member

Entered as an Order of the  
Rhode Island State Labor Relations Board

Dated: January 10, 2002

By:   
Joan N. Brousseau, Administrator